

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	001301-00349
	First Inventor or Application Identifier	BARRETT, Burke et al.
	Title	Treatment of Obesity by Bilateral Nerve Stimulation

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification Total Pages 23
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets 1
5. ☒ Oath or Declaration Total Pages 2
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 C.F.R. §1.63(d))
(for continuation / divisional w/ box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).
6. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
7. ☐ Application Data Sheet. See 37 CFR 1.76
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification or Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

- ACCOMPANYING APPLICATION PARTS**
9. ☐ Assignment Papers (cover sheet & document(s))
 10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
 11. ☐ English Translation Document (if applicable)
 12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
 13. ☒ Preliminary Amendment
 14. ☒ White Advance Serial No. Postcard
 15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
 16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
 17. ☒ Other: Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application no.: 09/346,396

Prior application information: Examiner: K. Schaeztle

Group Art Unit: 3762

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. Amend the specification by inserting before the first line the sentence:

☒ This application is a ☒ Continuation ☐ Division ☐ Continuation-in-part (CIP)
of application Serial No. 09/346,396 Filed on 07/01/1999

☐ This application claims priority of provisional application Serial No. Filed

20. CORRESPONDENCE ADDRESS

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27557

PATENT TRADEMARK OFFICE

Name:	Donald R. Greene	Registration No.:	22470
Signature:		Date:	07/01/2003

17399 U.S. PTO
 10/612683



07/01/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BURKE BARRETT, ET AL.

Serial No.: (to be designated)

Filed: Herewith

Group Art Unit 3762

Examiner: K Schaetzle

Title: TREATMENT OF OBESITY BY BILATERAL VAGUS NERVE STIMULATION

UTILITY PATENT APPLICATION TRANSMITTAL


1. This application is for a utility patent, consisting of a 23 page specification and 1 sheet (1 Figure) of formal drawing. Substitute Form PTO/SB/05 is also enclosed herewith. This application is a continuation of Ser. No. 09/346,396, filed 07/01/1999, for which applicant claims priority. A copy of the Declaration from the parent application is enclosed herewith.

2. A Preliminary Amendment is enclosed to be entered before the fee is calculated. Small entity status was claimed in the parent application and is still proper and desired. The filing fee calculation is based on small entity status.

CLAIMS AS FILED

	Number filed		Number extra		Rate (Small Entity)	Basic Fee \$375.00
Total Claims	37	- 20 =	17	x	\$9.00	= 153.00
Independent Claims	4	- 3 =	1	x	\$42.00	= 42.00
			Filing Fee			\$570.00

4. The Commissioner is authorized to charge the filing fee for this application, and any other official fees that may be required in connection with this filing, to Account No. 23-2185. A duplicate copy of this page is enclosed herewith.


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Dated: 07/01/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

Express Mail Label No. **ER 072 706 288 US**

Date of Deposit: **July 1, 2003**

I hereby certify that the following attached papers:

- (1) Application Transmittal (fee calculation), in duplicate, plus Substitute Form PTO/SB/05, with claim of priority of parent application;
- (2) Patent Specification consisting of 23 pages; plus 1 sheet of formal drawing (1 Figure), and copy of Declaration from parent application Ser. No. 09/346,396;
- (3) Preliminary Amendment; and
- (4) Postcard (stamped, addressed) for acknowledging receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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